

REMARKS

Pending Claims

Claims 20-22, 24-29 and 54-56 are currently pending in this application.

Priority

Claims 20-22, 25-29 and 54-56 have been granted a priority date of the present CIP application of December 4, 2003. Claim 24 has been granted the priority date of February 20, 2003. In light of the terminal disclaimer filed November 21, 2008 the obvious-type double patenting rejection over U.S. Patent 7,288,546 has been withdrawn.

Claim Objections

Claim 24 is objected to as being dependent on a rejected base claim. In light of the attached declaration and arguments submitted below, Applicants respectfully request removal of the objection.

Rejections under 35 U.S.C. § 102(a)/ 35 U.S.C. § 103,

Claims 20, 22, 25-28 and 54-55 are rejected under 35 U.S.C. § 102(a) as being anticipated by Cilenti et. al. , The Journal of Biol. Chemistry, March 28, 2003 pp. 11489-11494. Claims 21, 29 and 56 are rejected as obvious over the same reference.

Applicants are submitting herewith a declaration under 37 CFR 1.132 by Antonis S. Zervos, the sole named inventor on the current application. The declaration establishes that, to the extent the Cilenti Article discloses the subject matter of one or more claims in the current application, such subject matter was invented solely by named inventor Antonis S. Zervos and

that the other authors listed on the Cilenti Article did not contribute to the conception of that subject matter.


In light of the foregoing, the Cilenti Article is not by "others" within the meaning of 35 U.S.C. 102(a) and does not qualify as prior art under that section against the claimed invention. Accordingly, Applicants respectfully request withdrawal of this rejection.

Conclusion

In conclusion, Applicant submits that all pending claims are allowable, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicant if such communication is deemed necessary to expedite prosecution of this application.

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Respectfully submitted,

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